

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Rodney E. Cotton, Jr.,)	
)	
Petitioner,)	
)	Civil Action No. 9:19-cv-1196-TMC
v.)	
)	ORDER
Major Patricia Ray,)	
)	
Defendant.)	

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court dismiss this case for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 60). Plaintiff was advised of his right to file objections to the Report. *Id.* at 3. However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 60), which is incorporated herein by reference. The court finds that sanctions less drastic than dismissal would not be effective in this case because Plaintiff has already ignored numerous court Orders and deadlines at this point. Additionally, because Plaintiff has failed to update his address with the court, neither the court nor the Defendant have a way to reach Plaintiff regarding this case. Accordingly, this case is **DISMISSED *without prejudice*** for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).*

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
June 9, 2020

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

* Because this action is being dismissed in its entirety due to Plaintiff's noncompliance with court orders, Defendants' respective motions for summary judgment (ECF Nos. 56, 63) are terminated as moot.